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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,142	05/03/2006	Jack Brass	15412NP	8851
293 7590 09/05/2008 Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave Suite 406 Alexandria, VA 22314				
EXAMINER				
BOCHNA, DAVID				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
09/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/578,142

**Applicant(s)**

BRASS ET AL.

**Examiner**

David E. Bochna

**Art Unit**

3679

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,5,7,15,16,18-22 and 41-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,5,7,15,16,18-22 and 41-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Signatures and dates were not provided by every inventor listed on the declaration.

### ***Specification***

2. The abstract of the disclosure is objected to because it contains grammatical errors. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claims 42-44 are objected to because of the following informalities:  
4. Claim 42 recites the limitation "the second fitting aperture" in the 4<sup>th</sup> line from the bottom. There is insufficient antecedent basis for this limitation in the claim.

Claim 44 appears to be claiming the same limitation as claim 43. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2, 5, 7, 15-16, 18-22 and 41-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Foti '121.

In regard to claim 2, Foti discloses a conduit ("for use in association with an air conditioning or refrigeration system" is intended use language and carries little patentable weight in an apparatus claim, the conduit of Foti is capable of fulfilling the intended use of the claim and is therefore deemed to anticipate the intended use language), the conduit comprising:

- a. a first conduit portion 31,
- b. a second conduit portion 50, and
- c. a swivel 114 providing fluid communication between the first conduit portion 30 and the second conduit portion 50, the swivel 114 permitting rotational movement of the first conduit portion 31 relative to the second conduit portion 50, the swivel constrained to prevent linear movement between the first and second portions at the swivel, and
- d. a fitting 30 for external connection of the conduit to a pressure port of the air conditioning or refrigeration system, the fitting 30 for fluid communication with the first conduit portion and the second conduit portion,

wherein, the conduit provides sealed fluid communication from the first conduit portion 31, swivel 114 and second conduit portion 50 to the air conditioning or refrigeration system when the fitting is connected to the air conditioning or refrigeration system, and

wherein the swivel 114 is an inline normal swivel and the inline normal swivel provides fluid communication between the first conduit portion 31 and the second conduit portions 50 such that the first conduit portion has a first conduit fluid path and the second conduit portion has a second conduit fluid path, and the first conduit fluid path is normal to the second conduit fluid

path, and the swivel permits relative rotation of the first conduit 31 about the first conduit fluid path and relative rotation of the second conduit portion 50 about the first conduit fluid path.

In regard to claim 5, Foti discloses a conduit (“for use in association with an air conditioning or refrigeration system” is an intended use limitation), the conduit comprising:

- a. a first conduit portion 24,
- b. a second conduit portion 50, and
- c. a swivel 136 providing fluid communication between the first conduit portion and the second conduit portion, the swivel 136 permitting rotational movement of the first conduit portion relative to the second conduit portion, the swivel constrained to prevent linear movement between the first and second portions at the swivel, and
- d. a fitting (elbow above 24) (“for external connection of the conduit to a pressure port of the air conditioning or refrigeration system” is an intended use limitation), the fitting for fluid communication with the first conduit portion and the second conduit portion,

wherein, the conduit provides sealed fluid communication from the first conduit portion, swivel and second conduit portion to the air conditioning or refrigeration system when the fitting is connected to the air conditioning or refrigeration system, and

wherein the swivel 136 is an offset dual normal swivel and the dual normal swivel provides fluid communication between the first conduit portion 24 and the second conduit portion 50 such that the first conduit portion has a first conduit fluid path and the second conduit portion has a second conduit fluid path, and the first conduit fluid path and the second conduit fluid path are in non-intersecting parallel planes, and the swivel 136 permits relative rotation of

the first conduit and the second conduit about an axis normal to the first conduit fluid path and the second conduit fluid path.

In regard to claim 7, wherein the inline normal swivel 114 comprises an inline swivel adjacent a 90 degree elbow terminating in a fitting for connection to an external fitting 30 of an air conditioning system.

In regard to claim 15, Foti discloses a conduit ("for use in association with an air conditioning or refrigeration system" is an intended use limitation), the conduit comprising:

- a. a first conduit portion 26,
- b. a second conduit portion 50, and
- c. a swivel 136 providing fluid communication between the first conduit portion and the second conduit portion, the swivel permitting rotational movement of the first conduit portion relative to the second conduit portion, the swivel constrained to prevent linear movement between the first and second portions at the swivel, and
- d. a fitting 58 ("for external connection of the conduit to a pressure port of the air conditioning or refrigeration system" is an intended use limitation), the fitting for fluid communication with the first conduit portion and the second conduit portion,

wherein, the conduit provides sealed fluid communication from the first conduit portion, swivel and second conduit portion to the air conditioning or refrigeration system when the fitting is connected to the air conditioning or refrigeration system, and wherein the first conduit portion comprises a connector for connection to a manual fluid injector, and the second conduit portion comprises a hose with a fluid path in fluid communication with the fitting,

wherein the connector has a fluid path and is in fluid communication with the swivel and, through the swivel in fluid communication with the hose and fitting, and

wherein the swivel 136 permits relative rotation between the connector and the hose about an axis normal to the fluid path of the hose and the fluid path of the connector.

In regard to claim 16, wherein the connector and the hose are offset from one another such that a component connected to the connector can pass the hose when the connector and hose are rotated relative to one another.

In regard to claim 18, wherein each swivel in the conduit is non-manually releasably constrained from relative movement along the fluid path of the swivel (see threads in fig. 5 holding 72 to 44).

In regard to claim 19, wherein the swivel is constrained by a connection that is made by compatible threads 92.

In regard to claim 20, wherein the connection is manually releasable (by turning 72).

In regard to claim 21, wherein the swivel is constrained by a permanent connection (see fig. 7 where the swivel is connected by a snap ring).

In regard to claim 22, wherein the swivel is constrained by a connection that is constrained at all times during normal use of the swivel and any components thereof (the snap ring in fig. 7).

In regard to claim 41, Foti discloses an injection hose assembly for connection between a pressurized system and an injector for injecting fluids into the pressurized system, the assembly comprising:

a) a first fitting 31 compatible with a fitting on the pressurized system,

b) a second fitting 24 compatible with the injector (end 43 could accept threads of 30), the second fitting having an opening 42 to which the injector 30 can be connected,

c) a substantially non-collapsing joint 136 between the first fitting and the second fitting, and

d) a generally tubular hose 50 between the first fitting 31 and the joint 136, wherein the first fitting, hose, joint and second fitting are connected to provide fluid connection between the first fitting and the second fitting, and

wherein the second fitting 24 is offset from the hose 50 and the joint permits at least two positions of the second fitting with respect to the hose, in the first position the second fitting opening is substantially aligned with the hose directed towards the first fitting (fig. 9) and in the second position the second fitting opening is directed at 90 degrees to the hose (fig. 8).

In regard to claim 42, Foti discloses an injection hose assembly for connection between a pressurized system (gas line 40) and an injector 30 (30 injects gas into 22) for injecting fluids into the pressurized system, the assembly comprising:

a) a first fitting 31 compatible with a fitting on the pressurized system,

b) a second fitting 24 compatible with the injector (end 43 could accept threads of 30), the second fitting having an opening 42 to which the injector 30 can be connected,

c) a substantially non-collapsible swivel joint 136 between the first fitting 31 and the second fitting 24, and

d) a generally tubular hose 50 between the first fitting 31 and the swivel 136, wherein the first fitting 31, hose 50, swivel 136 and second fitting 24 are connected to provide fluid connection between the first fitting 31 and the second fitting 24, and



wherein the second fitting 24 is offset from the hose 50 and the joint 136 permits rotation of the second fitting 24 with respect to the hose 50 between a first and a second position (figs. 8 and 9), in the first position the second fitting aperture is substantially aligned with the hose directed towards the first fitting (fig. 9) and in the second position the second fitting opening is directed at 90 degrees to the hose (fig. 8).

In regard to claim 43, wherein the joint has a third position again substantially at 90 degrees to the first position, while the second fitting opening is directed in the opposite direction from the second position (the swivel 136 would allow the hose to rotate 180 degrees from the position shown in fig. 8, which would be the third position).

In regard to claim 44, wherein: the joint also permits rotation of the second fitting to a third position again substantially at 90 degrees to the first position, while the second fitting opening is directed in the opposite direction from the second position (the swivel 136 would allow the hose to rotate 180 degrees from the position shown in fig. 8, which would be the third position).

In regard to claim 45, wherein: the second fitting is offset from the hose by a distance sufficient to permit the hose and the injector to pass one another without bending the hose (the hose in fig. 9 could be rotated 180 degrees so that it was alongside fitting 24).

In regard to claim 46, a method comprising:

- a. utilizing a conduit as set out in claim 2,
- b. aligning the fitting 31 of the conduit of claim 2 with the external fitting 30 by manually swiveling the fitting 31 of the conduit of claim 2 about the inline swivel 114, and

c. manually connecting the fitting 31 of the conduit of claim 2 to the external fitting 30 (spinning 31 onto the threads of 30).

In regard to claim 47, wherein aligning the fitting and manually connecting the fitting are performed using a single hand (please see in fig. 2, the fitting 31, and connector 66 could be aligned with 30 using one hand and then spun onto 30 using one hand and then 58 could be connected to 66).

In regard to claim 48, further comprising an inline normal swivel 114 providing fluid communication between the hose 50 and the first fitting 31 such that the hose has a first conduit fluid path and the first fitting 31 has a second conduit fluid path, and the first conduit fluid path is normal to the second conduit fluid path, and the inline normal swivel 114 permits relative rotation of the hose about the first conduit fluid path (see 66 and 58 in fig. 2, where 58 could rotate in 66) and relative rotation of the first fitting 31 about the first conduit fluid path.

In regard to claim 49, wherein the hose terminates in a third fitting 58 (see fig. 2), and wherein the first fitting 31 and the inline normal swivel 114 are comprised in a conduit adapter that further comprises a fourth fitting 66, and wherein the third fitting 58 is sized to connect to an external pressure side fitting of an air conditioning or refrigeration system, the fourth fitting is 66 sized to connect to the third fitting 58, and the inline normal swivel 54 is between the fourth fitting 66 and the first fitting 31.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Porter, Ericksen et al., Hu-Chen, Heidelberg, Goughneour, Tam et al., Wythoff,

Sekerchak, Glossop, Wenzel, Moore, Shaw, Chevallier, Edelmann, Davis and Kilpatrick all disclose similar couplings common in the art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/  
Primary Examiner, Art Unit 3679